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JOHN PENRY

THE SO-CALLED MARTYR OF CONGREGATIONALISM
AS REVEALED IN THE ORIGINAL RECORD OF HIS
TRIAL AND IN DOCUMENTS RELATED THERETO

BY

CHAMPLIN BURRAGE, B.LITT.

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TO
MY FRIEND AND FORMER TEACHER
PROFESSOR C. H. FIRTH

CHARACTERISTIC VIEWS OF PENRY'S TRIAL

His conviction cannot but be regarded as contrary to every principle of natural justice, and a flagrant violation of constitutional law. (C. H. and T. Cooper's *Athenae Cantabrigienses*, vol. ii, 1861, p. 156.)

Despite the insufficiency of the evidence as set forth in these indictments, Penry was found guilty of treason and sentenced to death.' (Sir Sidney Lee, in the *Dictionary of National Biography*.)

PREFACE

SEVERAL years ago I was informed by an English scholar of the existence of the original record of John Penry's trial. In his endeavour to discover the document he had spent much time and had finally found it only with the utmost difficulty. He had once contemplated publishing it, but had subsequently abandoned that intention. Upon my expressing interest in the matter, he kindly furnished me with directions for finding it again.¹ From these I received much help, but I likewise searched in vain for it several times before success at last rewarded my efforts.

The surprising contents of the manuscript made a deep impression upon me, and I at once not only prepared a complete transcript of it, but also began further investigations concerning the case. These have resulted in my bringing together for publication the documents hereafter presented. First, we have the account of the trial. This is written in Latin, but contains all the extracts from Penry's writings in English. Secondly, a large number of citations is presented from a treatise of Penry's in manuscript, which he says he had been hoping later to finish and offer in person to Queen Elizabeth. These important passages appear to have been collected for the trial and to be the most extended and reliable remains of that work still extant. They reveal its character very clearly, and some of them were employed in his first indictment. Thirdly, the text is given of a large portion of what seems to be the original manuscript of Penry's *Apology*. Of this the Bodleian copy published in my *Early English Dissenters*, it

¹ He told me also where to find the original record of the trial of Barrowe and Greenwood. This I hope to be able to publish at some future time.

will be remembered, is imperfect at the end.¹ The *Apology*, we shall see, seeks to explain how the incriminating evidence found in his private papers happened to have been written by him, and contains sections which are extremely interesting and touching. Fourthly, we offer some of Penry's final remarks concerning his case addressed to Lord Burghley on the day before his execution.

Such a publication has long been due to Penry and to the history of early English Dissent, and it is hoped that some light will hereby be thrown upon a noteworthy case of law, which up to this time has certainly not been perfectly understood.

While preparing these pages I have had the advantage of suggestions or advice, always generously offered by Oxford scholars, from Dr. J. Edwin Odgers, Dr. J. Vernon Bartlet, and Professor Geldart. My special thanks are due to Mr. Falconer Madan, Librarian of the Bodleian Library; to Dr. W. S. Holdsworth; and to Professor Firth.

C. B.

OXFORD, *January 21, 1913.*

¹ There are a number of variant readings of some interest in the manuscript here reproduced.

INTRODUCTION

THERE are two important points which demand further treatment in the tragic career of the Welshman, John Penry, or Ap Henry, who was condemned to death and hanged in the thirty-fifth year of Queen Elizabeth's reign. In the first place, Was he, as heretofore claimed, a Martyr of Congregationalism? and secondly, Was he justly condemned to death by the laws of his time? With the discussion of these two problems the present publication is chiefly concerned.

In the well-known chapter entitled, 'The Martyrs of Congregationalism' in his *Congregationalism of the Last Three Hundred Years*, New York, 1880, Dr. Henry Martyn Dexter thus presents Penry's case:

'It proved to be more difficult for the Bishops to manage this new victim. He had not written any books which would help them since he had become a Separatist, while the popular feeling excited by the case of Barrowe and Greenwood made it needful for them at least to appear to have solid ground under their feet; and he was prepared very clearly to show that the statute of the 23d Elizabeth could not be applied to his case. But among his private papers which had been seized, was found the crude draught of a petition to the Queen, prepared in Scotland, which at some time he had probably intended to finish and present. . . .

'This was a first rough programme, never finished, never presented, never published in any sense—really it would seem, an extract from his private diary. But it was the best that could be done, and so *two* indictments were prepared, to make up in quantity of law what was wanting in the quality of evidence. Lord Coke gives them both, in full, in his great *Booke of Entries*, etc. It was necessary to go back to an earlier statute than that under which the others [Barrowe and Greenwood] had suffered; but there

was no practical difficulty in doing so, and a law was found bloody enough, and unjust enough, for the purpose. On the 21st May [1593] the trial took place at Westminster, with the (extremely natural) result that the jury upon their oaths found him guilty under both indictments, and he was sentenced to be hanged without delay. The next day the condemned man enclosed in a letter to the Lord Treasurer Burghley a carefully drawn paper, . . . He explains that the "... intercepted wrytings " of his, on which he had been condemned, were "not only most unperfect, but were . . . privat . . ." ¹

'And so in the Babylon of England was found the blood of these prophets of the Separation, and of its saints. . . .' ²

As to the points of law involved in the case, Dr. Dexter has the following note (125) which requires mention here :

'Lord Coke expressly founds his *Indictments pur Felonie en publishant Scandalous escripts enconuter* [sic] *les orders del Esglise* in this case, upon the Statute of 1 Eliz. Chap. ii. [*Statutes of the Realm*]. That is the "Acte for the vniformitie of Common Prayer, and seruice in the Church, and the administration of the Sacramentes." This indeed contains provision for the conviction of those who "shal preach, declare, or speake anything in the derogation or deprauing of the said booke, or anything therein contayned, or of any part thereof," which could easily be applied to Penry's case. But the penalty of conviction even for the third offence, was only imprisonment for life. And as the counts of the first indictment are of *dicta* [sic] *Domine Regine innuendo*, I think his citation must be erroneous, and that he intended reference to *Chap. vi*, which is "An Acte for the explanation of the Statute of seditious wordes and rumours," the intent of which was to reenact the law on that subject passed in the 1 and 2 of Philip and Mary; and which would, I should think, give more show of law for covering the indictments in Penry's case, besides offering the death penalty of which they were clearly in search.' ³

Of the three so-called martyrs of Congregationalism here mentioned by Dr. Dexter, John Penry awakens in me by far the most sympathy. Any reader, in fact, coming upon the papers and letters produced by him in prison just before

¹ Pp. 247-8.

² P. 251.

³ P. 248.

his death, would instinctively deplore the sentence by which his life was so suddenly brought to an untimely end. Yet in considering his case we need constantly to keep in mind the fact that his trial and death can only be fairly judged by the standards of his own time.

In the first citation given above, Dr. Dexter, while defending Penry as a Martyr of Congregationalism, has curiously made it perfectly clear that he cannot in any true sense be thus designated, for it is there stated that he 'had not written any books which would help them [the Bishops] since he had become a Separatist'. Furthermore, both the indictments¹ against Penry relate to a period when he was still a Presbyterian. And even for Presbyterianism he cannot be called a martyr, as we shall see in examining his case, since he was judged and condemned solely for writing (publishing is not mentioned in the original record²) passages which were said to aim at the overthrow of the worship of God, and to insult the Queen and various authorities in power, as well as to incite to insurrection and rebellion. The fact that he was a Presbyterian when he wrote the words which had given offence had nothing directly to do with the case.

The passages of Penry's which appear in the two indictments were drawn from two sources, not as Dr. Dexter thought from one. The first indictment is composed of expressions extracted from the previously mentioned unfinished 'groundes of a breife treatise' written in criticism of Queen Elizabeth at Edinburgh at least fourteen or fifteen months before his apprehension. The second indictment consists entirely of abusive expressions of his taken from a printed book,³ namely, the preface to 'A Treatise wherein is manifestlie proved, that Reformation and those that sincerely fauor the same, are vnjustly

¹ Dr. W. S. Holdsworth informs me that these two indictments would to-day be considered two counts of one indictment.

² But Sir Edward Coke in his heading to the case makes publishing Penry's offence. See the first note on the text of the trial record.

³ Harl. MS. 6848 (fol. 91), in the British Museum.

charged to be enemies, vnto hir Maiestie, and the state', 1590, 4°.

We may soon see more particularly what the character of these passages was. It should, however, be first noted that there is no reasonable doubt that Penry wrote them. We do not observe any unfairness in the indictments. The works of Martin Marprelate are not mentioned, nor is any attempt made to connect Penry with them. There is no formal reference to Presbyterianism, Congregationalism, Brownism, Barrowism, or Separatism. The case against him is based only on direct and unimpeachable evidence from his known writings.

Several of the more striking passages from the two indictments may here be laid before the reader :

'The last dayes of your reigne ar turned rather against Christ Iesus & his Gospell then to the mayntenance of the same.'

'I come vnto you withe it. yf you will beare [heare] it. that our case may be eased. yf not that yet posterytee may knowe that you haue bene delt wyth, . . .'

'we muste needes say That in all lykelyhode yf the days of your Syster Queene mary & her persecucion had contynewed vnto this day. That the Church of god in England had bene Farre more flourysshinge then at this day it ys.'

'What hathe England answered, Suerly with an impudent forehead she hath sayd. I will not come nere the holy one, . . . I haue receyvid a reading gospell & a reading Mynistery A pompous gospell & a pompous Mynisterye. . . . A gospell & a Mynistery that wyll stoupe vnto me & be at my becke . . .'

'as for the generall state eyther of the Magystracye, of the Mynistery. or of the common people. beholde nothings els but a multytude of conspyrators agaynst god, . . .'

'you shall fynde amongst this Crue¹ nothings els but a troupe of bludy sowle Murtherers, sacrylegious Church robbers. . . .'

These brief citations will give a general view of the style and content of the passages in Penry's writings at which

¹ Penry is here referring to the Archbishops, Bishops, and Clergy.

the authorities had taken offence. Whether they were reasonably offended, the reader may decide for himself.

When we peruse these unexpected words for the first time, we are impressed with Penry's lack of practical wisdom in ever having allowed himself to give expression to them. They certainly make him seem to be a more turbulent character than he really was, but while his expressions are slanderous (unless indeed they can be proved to have been true), they were evidently uttered through lack of restraint and wisdom, rather than through malice. On this account his condemnation has the appearance of having been maliciously procured. Whether this was the case or not is a question worthy of investigation.

Penry certainly believed that he was innocent of any disloyalty to the Queen, and when he wrote his *Apology* he anticipated that that would be the only charge brought against him. Accordingly, he therein appeals only to her good graces, and closes by saying that his hand had 'never devised or wrote any thinge to the discredit or defamation of my [his] Sovereigne Queen Elizabeth'. He tells also how according to his remembrance those seemingly incriminating passages happened to appear in his papers which had been seized. He says in effect that such expressions were not his, but were merely quotations from the opinions of others who had spoken to him in Scotland about the defects of Queen Elizabeth's reign, and that having always defended her when such remarks were made, he had merely written them down, that he 'might vpon better leysure consider of them, & make some vse [of them] for the dischargde of my [his] conscience, as before I have [he had] set downe.' He asserts, no doubt with perfect truth, that he had never cherished any disloyal thought towards the Queen—meaning I suppose thereby, that he had never thought of plotting her overthrow. He also admits that he had not examined his secret writings for fourteen or fifteen months, and that he might perhaps have forgotten the exact purpose for which some passages were originally inserted. He protests

that in any instance he was still a loyal subject to Her Majesty.

. It is only when we begin to examine the citations from Penry's treatise that we see that, as he left it, his words are far too direct to be mere quotations from the sayings of other people. His remarks as they stand certainly give expression to thoughts which he had at least made his own, though he may originally have heard them uttered by others. The most damaging evidence against him, no doubt, was the fact that it was possible to find in one of his known published works, already mentioned, very similar expressions to these, directed against high officials in Church and State. It was this combination of his various utterances that made it possible for his enemies, supported as they were by the harsh and inhumane laws of the period, to present a very strong case against him and to secure his conviction and death.

It will be noticed that the passages on which the two indictments are based aim at a very wide circle of the English society of the time—the Queen, the Archbishops, Bishops, and Clergy, the Judges, the Privy Council, and even the common people—in a word the whole State.¹ Whether such a wholesale denunciation of the Kingdom was necessary or not, Penry's attitude can hardly be called loyal, and certainly not gracious. Even to-day such expressions as he had used would not be tolerated, and it is hardly surprising that they were not allowed then. Thus much at least we think even the most unwilling of his defenders will have to admit.

Finally, we must ask upon what statute Penry was condemned, and whether his condemnation was fair and honourable, as judged by the standards of his day. As it is only too apparent that Dr. Dexter did not perfectly understand this case, and as any decision of my own was likely to be equally unauthoritative and unsatisfactory, I have sought the opinion of Dr. W. S. Holdsworth of St. John's

¹ See Harl. MS. 6848 (fol. 91), in the British Museum.

College, Oxford, a recognized authority, and the well-known author of *A History of English Law*, London, 1903-. He says :

‘The indictment¹ seems to be founded upon the 23rd of Elizabeth, chapter 2, section 4.² It could not be based upon the 1st of Elizabeth, chapter 6 (as suggested by Dr. Dexter), because that had been repealed by the 23rd of Elizabeth, chapter 2, section 14, during the continuance of the latter, which was to be the Queen’s lifetime (chapter 2,

¹ Dr. Holdsworth here speaks of the case as consisting of one indictment with two counts, whereas I follow the old terminology and refer throughout to two indictments.

² This reads as follows :

[From margin : ‘IV. Printing, writing, or publishing, (or causing so to be done) of any seditious Book, &c. (not being Treason under St. 25 E. III. st. 5. c. 2. &c. []) declared Felony without Clergy.’]

‘AND be yt further enacted by the authoritie aforesaid, That yf any person or persons after the ende of the sayd fortye dayes, eyther within this Realme or in any other the Queenes Dominions, or in any other place out of the Queenes Dominions, shall advisedlye and with a maliciouse intende againste our sayd Sovereigne Ladye, devyse and wrighte printe or setforthe, any manner of Booke Ryme Ballade Letter or Writing, conteyning any false sedicious and slaunderous Matter to the Defamacion of the Queenes Majestie that nowe ys, or to the encoraging stirring or moving of any Insurreccion or Rebellion, within this Realme or any the Dominions belonging to the same, or yf any person or persons, after thend of the said fortie dayes, eyther within this Realme or other the Queenes Dominions or any other place out of the Queenes Dominions, shall advisedlye and with a maliciouse intent against our said Sovereigne Ladye procure or cause any suche Booke Ryme Ballade Letter or Writing to be written printed published or set forth, and the said Offence not being punishable by the Statute made in the xxvth yeare of the Raigne of King Edwarde the Thirde, concerninge Treason or Declaracion of Treason, or by any other Statute wherebye any Offence ys made or declared Treason, that then everye suche Offence shalbe demed and adjudged Felonye, and the Offendors therein beeing thereof convicted and attainted, shall suffer suche paynes of Deathe and Forfeiture as in case of Felonye ys used, without any Benefitte of Cleargie or Sanctuarye to be alowed unto the Offendour in that Behalfe.’ (*The Statutes of the Realm . . . From Original Records and Authentic Manuscripts*, vol. iv, 1819, p. 659.)

That Penry was indeed convicted upon the 23rd of Elizabeth is made clear in section iv of this pamphlet, page 43, note 2.

section 15). Nor could it be founded upon the 1st of Elizabeth, chapter 2, as Coke states in the copy of this indictment contained in his "Booke of Entries", 1614, since this statute (the Act of Uniformity) does not create any felony. It would seem, therefore, that the indictment must be founded primarily upon section 4 of the second chapter of the 23rd of Elizabeth. Indirectly, perhaps, it may be said to be founded also on the Act of Uniformity (1st Elizabeth, chapter 2). The effect of that statute and the Act of Supremacy was to make the established order of the Church an institution of the State. Therefore, to write against the Church amounted to sedition, and so brought the case within the 23rd Elizabeth, chapter 2, section 4; and that this was the line of argument appears from the words of the indictment. Coke's reference in the "Booke of Entries" is somewhat misleading, as he states that the indictment was founded upon the 1st Elizabeth, chapter 2. This is legally impossible. He should have said that it was founded upon both statutes.¹

Hereafter, then, there need not be the slightest doubt that there were statutes in existence by which Penry could be, and in fact was, lawfully condemned to death. Those connected with the trial apparently treated him with perfect fairness according to the crude customs of that day. The judge was sworn to uphold the laws of the land and to condemn offenders. Penry was readily shown to be an offender, and was condemned. The statutes were cruel, and the criminal procedure of the day according to our notions unfair to prisoners, but there is no reason to think either that the law was strained, or that the advantage which the criminal procedure in force gave to the Crown was used otherwise than in accordance with the usual practice of such State trials.¹ The responsibility in this case clearly lay not with the judge, but with those who had framed the laws under which he acted. Penry was condemned, because

¹ For the court procedure of the period see Dr. W. S. Holdsworth's *History of English Law*, vol. i, 1903, pp. 133-4 and notes, and for a fuller description, Sir James F. Stephen's *History of the Criminal Law of England*, London, 1883, vol. i, pp. 221-8. The reader should also carefully examine the text of section iv of this pamphlet (Penry's Final Remarks) and the notes thereon.

he had allowed himself to *write* (and *publish*) slanderous denunciations, not because he was a Presbyterian, or a Congregationalist. We formerly pitied him, because we erroneously supposed him to have been a martyr for Congregationalism,—one who had been unjustly put to death for his religious beliefs. We should pity him now still more, because the words for the writing of which he was arraigned did not represent him at his best, but at his worst; and because to the better side of his character the statutes upon which he was convicted made it unnecessary for any consideration to be given.

I

JOHN PENRY'S TRIAL

TEXT OF THE ORIGINAL RECORD

*Adhuc de Termino Pasche. Regina. [1593.]*¹

Alias scilicet die lune proximo post quinque septimanas Pasche isto eodem termino coram domina Regina apud westmonasterium per sacramentum xij^{cim} Iuratorum extitit presentatum quod cum dicta domina Regina est in hoc regno Anglie suprema Gubernatrix in omnibus spiritualibus & ecclesiasticis causis ac eciam sub deo Gubernatrix ecclesie dei in hoc regno Anglie, Cumque per statutum in parlamento dicte domine Regine nunc Anno regni sui primo tento editum quidam vniformis ordo tam communium [?] precacionum & seruicij diuini quam administrationis diuinorum sacramentorum infra hoc regnum Anglie


¶ Midd
.....
.....

¹ Coram Rege Roll 1325 (sigs. iii-iv verso, about one third from the end of the roll), in the Public Record Office.

Sir Edward Coke gives this case almost in full in his huge 'Booke of Entries', London, 1614, fol. 352 verso-353 verso, where it is practically lost, though Hallam and others must have seen it. In general, Coke's reading differs from mine only in minor points. He indicates Penry's name by the initials, and often does not expand contracted words. He prefaces the case with the heading, '*Indictment pur Felonie en publishant Scanda-lous escripts encounter les orders del Eglise, sur | lestature de Anno 1. Eliz. cap. 2.*' At the close he has added 'Pasch. 35. Eliz. Rotulus 3. inter placita Corone in banco Regis'. He has also inserted various marginal headings, as the following at the beginning of the first indictment: 'Un scandalous escript publish vers le Roigne.' This marginal heading shows that Coke considered that Penry's offence was that of *publishing* scandalous writings although the treatise criticizing the Queen was never published in print and never by his will. The only publication it seems to have had was in the court at the trial. The record does not mention publishing, as I have pointed out elsewhere.

recte & pie stabilitus existit, Quidam tamen Iohannes Penry nuper de london Clericus deum pre oculis suis non habens, sed instigacione diabolica seductus, machinans & intendens non solum dei cultum infra hoc regnum Anglie euertere. & dicte domine Regine honorem & sollicitudinem in promovendo cultum diuinum conuellere denigrare & denichilare verumeciam dictam dominam Reginam in odium & malevolenciam apud omnes subditos suos inducere, necnon sedicionem & rebellionem infra hoc regnum Anglie movere & suscitare, vltimo die Aprilis Anno regni domine Elizabeth dei gratia Anglie Francie & hibernie Regine fidei defensoris &c tricesimo quarto, extra hoc regnum Anglie ac extra dominacionem dicte domine Regine videlicet apud Edynburghe infra regnum Scotie aduisate & cum maliciosa intencione contra dictam dominam Reginam & felonice vt felo dicte domine Regine nunc devisauit & scripsit quasdam falsas sediciosas & scandalosas materias in defamacionem dicte domine Regine nunc, & ad instigacionem suscitacionem & mocionem rebellionis & insurreccionis infra hoc regnum Anglie in hijs anglicanis verbis sequentibus. inter alia. videlicet The last dayes of your reigne (regnum dicte domine Regine innuendo) ar turned rather against Christ Iesus & his Gospell then to the mayntenance of the same. Et I haue greate cause of complaynt Madam (dictam dominam Reginam innuendo) nay the lorde & his Church hath cause to complayne of your gouernement (gubernacionem dicte domine Regine innuendo) not so moche for eny outward Inury as I or eny other of your subiectes haue receyved as because we your subiectes thys daye are not permytted to serve our god vnder your gouernement/ gubernacionem dicte domine Regine innuendo) accordyng to hys worde but ar solde to be bondslaves not only to our affections to do what we wyll so that we kepe our selves within the compasse of establysshed Cyvell lawes. (leges dicte domine Regine innuendo) but also to seruantes vnto the man of synne & his ordynaunces. Et, It is not the force that we seeme to feare that wyll come vppon vs For the lorde may destroy bothe youe (dictam dominam Regi-

nam innuendo) for denyinge. & vs for slacke seekyng of his wyll by straungers, I come vnto you withe it. yf you will beare [heare] it. that our case may be eased. yf not that yet posterytee may knowe that you haue bene delt wyth, and that this age may see that there is no greate expectacion to be loked for at your handes (*manus dicte domine Regine innuendo*). Et, amongst the rest of the prynces vnder the Gospell that haue bene drawen to oppose them selves against the gospell, ([sic] you [()] *dictam dominam Reginam innuendo*) must thincke your self to be one, For vntyll you see this Madam (*dictam dominam Reginam innuendo*) you see not your self, And they ar but Sycophantes & flatterers whosoeuer tell you otherwise, your standyng is & hathe bene by the gospell, It is lytle or smallye beholding vnto you, for eny thinge that appeareth. The practize of your government, *Gubernacionem dicte domine Regine innuendo*), sheweth that if you coulde haue ruled without the gospell. it wolde haue bene to be feared whether the gospell shoulde be establysshed or not. For nowe that you ar establysshed in your Throane, & that by the gospell, you (*dictam dominam Reginam innuendo*) haue suffered the gospell to reache no furdur then the ende of your scepter (*Sceptrum dicte domine Regine innuendo*) lymtyed vnto yt. Et, brefely Madam/you (*dictam dominam Reginam innuendo*) may well see the foundation of England rooted vppe, but this cause, (*causam dicti Iohannis Penry & aliorum Schismatis & Sectarum infra hoc regnum innuendo*) wyll you never see suppress. Et, nowe whereas we shoulde haue your helpe (*Auxilium dicte domine Regine innuendo*) bothe to ioyne our selves with the true Church & to reiect the false & all the ordinaunces thereof. we are in your kyngdome (*regnum dicte domine Regine innuendo*) permytted to do neyther but accompted sedycious men yf we affyrme eyther the one or the other of the former poyntes. And therefore Madam you (*dictam dominam Reginam innuendo*) ar not so moche an adversary vnto vs poore men as vnto Christ Iesus & the wealth of his kyngdome. Et. but Madam (*dictam dominam Reginam innuendo*) yet thus

moche we muste needes say That in all lykelyhode yf the days of your Syster Queene mary & her persecucion had contynewed vnto this day. That the Church of god in England had bene Farre more flourysshinge then at this day it ys. Et, nowe Madam / (*dictam dominam Reginam innuendo*) your Maiestye may consider what good the Church of god hathe gotten at your handes (*manus dicte domine Regine innuendo*) even outward peace withe the absence of Christ Iesus in his ordynance, otherwyse as greate troubles [are] lykely to come as ever were in the dayes of your Syster, (*Mariam nuper Reginam Anglie innuendo*) Ad magnum Scandalum & defamacionem dicte domine Regine subuersionem legum huius regni Anglie. & ad incitacionem insurreccionis & rebellionis infra hoc regnum Anglie contra pacem & in contemptu dicte domine Regine nunc Coronam & dignitatem suas. & contra formam statuti in huius modi casu editi & prouisi &c.  Item Alias scilicet die veneris in Crastino Ascencionis domini isto eodem termino coram domina Regina apud westmonasterium per sacramentum xij^{cim} Iuratorum similiter extitit presentatum quod cum dicta domina Regina est in hoc regno Anglie suprema Gubernatrix in omnibus spiritualibus & ecclesiasticis causis ac eciam sub deo Gubernatrix ecclesie dei in hoc regno Anglie. Cumque per Auctoritatem regiam ac leges & statuta huius regni Anglie. Episcopi Anglice the Bysshoppes huius regni Anglie manutenendi & manutenti existunt in eodem regno. Cumque per statutum in parlimento dicte domine Regine nunc Anno regni sui primo tento editum quidam vniformis ordo tam communium [?] precacionum & seruicij diuini quam administracionis diuinorum sacramentorum infra hoc regnum Anglie recte & pie stabilitus existit, Quidam tamen Iohannes Penry nuper de londone Clericus deum pre oculis suis non habens sed instigacione diabolica seductus machinans & intendens non solum dei cultum infra hoc regnum Anglie euertere, & dicte domine Regine honorem & sollicitudinem in promovendo cultum diuinum conuellere denigrare & denichilare. Verumeciam dictam dominam Reginam in odium & maleuolenciam apud

Midd P

....

omnes subditos suos inducere, neenon sedicionem & rebellionem infra hoc regnum Anglie movere & suscitare primo die Marcij Anno regni dicte domine Elizabeth dei gratia Anglie Francie & hibernie Regine fidei defensoris &c tricesimo tercio extra hoc regnum Anglie. ac extra dominacionem dicte domine Regine videlicet apud Edenburghe infra regnum Scotie advisate & cum maliciosa intencione contra dictam dominam Reginam & felonice vt felo dicte domine Regine nunc, devisaut & scripsit quasdam falsas sediciosas & scandalosas materias in defamacionem dicte domine Regine nunc. & ad instigacionem suscitacionem & mocionem rebellionis & insurreccionis infra hoc regnum Anglie in hijs Anglicanis verbis sequentibus inter alia. videlicet, what hathe England answered, Suerly with an impudent forehead she hath sayd. I will not come nere the holy one, And as for the buyldinge of his howse. I will not so moche as lyfte vppe a fynger towerdes that worke, nay I will contynewe the desolacions thereof And yf eny man speaketh a worde in the behalfe of this howse or bewayleth the mysery of yt. I wyll account hym an enemye to my state. As for the gospell & the Ministerie of yt, I haue alreddy receavyd all the gospelles & all the Mynisteryes that I meane to receyve. I haue receyvid a reading gospell & a reading Mynistery A pompous gospell & a pompous Mynisterye. a gospell & a Mynistery that strengtheneth the handes of the wycked in his Inyquytie. A gospell & a Mynystery that wyll stoupe vnto me & be at my becke. eyther to speake or to be Mute when I shall thincke good, Breifely I haue receyved a gospell & a Mynisterye that wyll never troble my conscience withe sighte of my Synnes whiche is all the gospelles & all the Mynisteryes that I meane to receyve. And I wyll make a sure hande that the lordes howse, yf I can chouse shalbe no otherweys edyfyed, then by the handes of suche men. as bringe vnto me the foresayde gospell & the foresayde Mynisterye,¹ Et,

¹ The original text (Iohn Penri's 'A Treatise wherein is manifestlie proved, . . .', 1590, p. iv) reads as follows:

' . . . But what hath England answered? Surelie with an impudent

as for the generall state eyther of the Magystracye, of the Mynstery. or of the common people. (*Magistratum Ministros & populum huius regni Anglie innuendo*) beholde nothinge els but a multytude of conspyrators agaynst god, agaynst his truthe, agaynst the buyldinge of his howse, agaynst his Sayntes, & chyl dren, & consequently against the wealthe of their owne sowles. & the publike peace & tranquyllytie of this whole kyngdome,¹ Et you shall fynde amongst this Crue (*innuendo Archiepiscopos Episcopos & Ministros ecclesie huius regni Anglie per Auctoritatem regiam & leges & statuta eiusdem regni infra hoc regnum manutentos*) nothinge els but a troupe of bludy sowle Murtherers, sacrylegious Church e robbers, & suche as made them selves fat withe the bloude of mens sowles & the vtter ruyne of the Church e,² Et. yt is nowe growen & hathe bene
 'fore-head she h:th [hath] said: I wil not come neere the holie one.
 'And as for the building of his house, I will not so much as lift vp
 'a finger towards that work, nay I wil continue the desolations there-
 'of. And if anie man speaketh a worde in the behalfe of this house,
 'or bewaileth the miserie of it: I wil accounte him an enemye of my
 'state. As for the gospel, and the ministeries of it, I haue already
 'receaued al the Gospels, and al the ministeries that I meane to receaue.
 'I haue receaued a reading Gospel, and a reading ministry, a pompous
 'Gospel, and a pompous ministry: a Gospel and a ministry that
 'stren[g]theneth the hands of the wicked in his iniquity, a gospel and
 'a ministry that will stoupe vnto me and bee at my beck either to
 'speake or to be mute when I shal thinke good. Breifly I haue receaued
 'a gospel & ministerie that wil neuer trouble my conscience with the
 'sight of my sinns which is al the gospels and al the ministeries that I
 'meane to receaue [receaue]: & I wil make a sure hand, that the Lords
 'house if I can chuse, shalbee no otherwayes ædified, than by the handes
 'of suche men, as bring vnto me the foresaid gospel and the foresaid
 'ministry . . .'

¹ *Ibid.*, p. v. The original text reads thus:

' . . . but as for the general state either of the magistracy, of the mynisterie, or of the common people, beholde nothing els, but a multitude of conspiritors against God, against the truth, against the building of his house, against his Saints and children: and consequentie against the wealth of their owne soules, and the publike peace and tranquillity of the whole kingdome. . . .'

² *Ibid.*, p. v. The original text is:

' . . . you shal fynde among this crue, nothing els, but a troupe of

of longe tyme a common practyze of theyse godles men (*Magistratum & Iudices infra hoc regnum Anglie per dictam dominam Reginam assignatos & manutentos innuendo*) to make of the statutes ordeyned for the mayntenance of Relygion & common quyetnes, a pytt wheryn to catche the peaceable of the lande (*hoc regnum Anglie innuendo*).¹ Et. and becawse our Councell (*Consilium priuatum dicte domine Regine innuendo*) may be trulye sayde to delyght in this Iniury & violent oppressyon of goddes Sayntes & Mynysters, Therefore whensoever the lorde shall come to searche for the synnes of England wythe lyghtes, as zephaniah saythe, he wyll suerly vyzitt our Cowncell (*dictum Consilium dicte domine Regine innuendo*) wythe an heavy plage. because vndoubtedly they ar frozen in their dregges, & perswade theyr owne hartes that the lorde wyll do neyther good nor evyll in the defence of hys Messengers & Children. And then shall they feele what yt is to wyneke at (moche more to procure) the oppressyon of the Church of Chryst, I [(*dictum Iohannem penry innuendo*)] wyll not in thys place charge our Councell (*dictum Consilium dicte Regine innuendo*) wythe that whiche followeth in Ieremye vppon the place before alleadged. namely. that they execute no Iudgement no not the Iudgement of the fatherles. But thys I wyll saye, that they can not possyibly deale truly in the matter of Iustyce betwene man & man. insomuche as they bende all theyr forces to bereave Chryst Iesus of that ryght whiche he hathe in the governement of his church. The whiche vngodly & wycked course as they (*dictum Consilium dicte domine Regine innuendo*) haue helde on ever synce the begynnyng of

bloody soule murtherers, sacriligious church robbers, and suche as haue made them selues fatte with the bloude of mens soules, and the vtter ruine of the Church.'

¹ *Ibid.*, p. vi. The original text reads :

'... So it is now growne, and hath beene of a long time a common practise of these godles men, to make of the statutes ordained for the maintenance of Religion and common quietnes a pit wherein to catch the peaceable of the land. ...'

her Maiestyes reigne (Regimen dicte domine Regine innuendo) so at thys day they haue taken greater bouldnes & growen more rebellyous agaynst the lorde & hys cause then ever they were.¹ *ad magnum scandalum & defamacionem dicte domine Regine subuercionem legum huius regni Anglie. & ad incitacionem insurreccionis & rebellionis infra hoc regnum Anglie. Contra pacem & in contemptu dicte Regine nunc Coronam & dignitatem suas & contra formam statuti in huius modi casu editi & prouisi.* ¶ *per quod preceptum fuit vicecomiti quod non omitteret &c quin Caperet eum si &c ad respondendum &c* ¶ *Et modo scilicet dicto die veneris in Crastino ascencionis Domini isto eodem Termino coram domina Regina apud westmonasterium venit predictus Iohannes Penry sub custodia Iohannis Garrarde & Roberti Teylor vicecomitum Ciuitatis londone in cuius custodia preantea ex causis predictis commissus fuit virtute breuis dicte domine Regine de habeas corpus ad subijciendum &c eis inde directe ad Barram hic ductus in propria persona sua Qui committitur Marrescallie &c Et statim de premissis sibi superius impo-*

¹ *Ibid.*, pp. vi-vii. The original text is the following :

‘ . . . And because our counsaile may be truly said to delight in this iniury and violent oppression of Gods saincts and ministers, therfore whensoever the Lord shal come to search for the sinnes of England with lights, as Zephaniah sayth [From margin : Zeph. I. 11.], he wil surelye visite our counsaile with an heauy plague. Because vndoubtedly they are frozen in their dregs, & perswade their owne hartes that the Lord wil do neither good nor evil in the defence of his messengers and children. And then shal they feelee what it is to winke at (much more to procure) the oppression of the Church of Christe. I wil not in this place charge our counsel with that which followeth in Ieremy [From margin : Ier. 5. 28.], upon the place before alledged, namely that they execute no judgement, no not the Judgement of the Fatherles. But this I will say, that they cannot possibly deale truly in the matter of justice betweene man and man, insomuche as they bend al their forces to bereaue Christ lesus of that right, which he hath in the government of his Church. The which vngodly and wicked course as they haue held on ever since the beginning of hir Maiesties raigne, so at this day they haue taken greater boldnes, and growen more rebellious against the Lord and his cause then ever they were. . . .’

sitis alloquutus qualiter se velit inde acquietari dicit quod ipse in nullo est inde culpabilis. Et inde de bono & malo ponit se super patriam. Ideo imediate venerunt inde Iurati coram domina Regina apud westmonasterium hoc instante die veneris in Crastino Ascencionis Domini [per quos &c Et qui &c ad recognitionem &c Quia &c Idem dies datus est prefato Iohanni Penry sub custodia Marrescalli &c Et Iure Iurati predicti]¹ per vice Commites Middlesexienses predictos ad hoc impanellati exacte similiter venerunt Qui ad veritatem de premissis dicendam electi triati & Iurati dicunt super sacramentum suum quod predictus Iohannes Penry est culpabilis de separalibus felonis & transgressionibus predictis sibi superius in forma predicta impositis [?] modo & forma prout per separalia Indictamenta predicta versus eum superius supponitur Et quod ipse nulla habet bona nec Catalla terras neque tementa ad eorum noticiam. Et super hoc quesitum est ab eo si quid pro se habeat vel dicere sciat quare Curia hic ad iudicium & execucionem de eo super premissis procedere non debeat. qui nihil vltcrius dicit preterquam vt prius dixerat. Ideo Concordatum est quod predictus Iohannes Penry suspendatur quousque &c Et dictum est Marrescallo quod execucionem de eo sine dilacione faciat periculo quod incumbet &c./²

¹ These words in brackets are interlined.

² It may be remarked, that while an unimportant word in the Penry passages herein cited has in one instance been omitted and in another altered by the scribe, I have as yet failed to notice any omission or alteration that is other than accidental.

II

CONTEMPORARY EXTRACTS FROM PENRY'S LOST TREATISE CRITICIZING QUEEN ELIZABETH

Penries contemptuouse and sediciouse speeches
in a treatise of his vnto the Q.*[ueenes]* Maiestie.¹

The Booke.

[Written before January 1591/2.]

B. pa. 50. The last dayes of your reigne are turned rather againste
Christe Iesus and his *Gospell* then to the mayntenance of
the same.

Ibm. pa. 50. Weé cannot be quieted, vntill wee fynde our selves ridd of
all the occasions and obstacles that hinder vs to enioye
that, *which* our *Sowle* so muche desireth.

Ibm. pa. 52. It is not your Maiestie that weé are to deale with, but it is
our God. I haue great cause of Complaynte, *Madame*.
Nay, the Lorde and his Church hath cause to complayne
of your government; not so muche for anye outwarde
iniurie, as I or anye other of your *Subiects* haue receaved;
as because weé your *Subiects* this daye are not permitted
to serve our God vnder your government accordinge to his
worde; but are solde to be bond-slaves not onelie to our
affections, to doe what weé will, so that weé keépe our
selves within y^e compasse of established civill lawes; but
also to be servants vnto the *Man of Synne* and his
Ordinaunces.

¹ Harl. MS. 6849 (fol. 198-201), in the British Museum. Words
written in the regular Latin hand are here printed in italics.

Reiect them weé must all of vs, that meane to live godlie *ibm.* pa. 53.
in *Christe Iesus.*/

Your Iudges in causes of bloude; nay, your whole Councell *ibm.* pa. 54.
and *State* will not be afraide to proceede against vs by the
Lawes of your Lande: Whereas in the mean tyme wee
are readie to shoue our Cast to be good accordinge vnto
the worde of God.

Weé that are your *Subiects* take yow for a *Christian* *ibm.* pa. 55.
prince; and therefore weé holde, that yow accounte none of
your Lawes to be of force, that are against the worde of
God. Weé take the grownde of all your Lawes to be
Common Equitie and *Iustice*. Otherwise, they are but the
poysoned *Constitutions* of vniust flesh and bloude. And
therefore no marvell, though manie of them be ennemies
vnto God, that professe them. And weé take nothinge
more equall then that your *State* and *Crowne* shoulde
rather yeilde vnto the *State* of the kingdome of the *Lorde*
Iesus; then that he and his *Maiestie* shoulde be made to
stowpe vnto an earthlie *Prince* or *State*. If anye of your
State-men shoulde doe otherwise, they are not onelie
detestable men in regarde of God; but perniciouse vnto
your standinge, and slaunderouse vnto your good name
amongest posteritie.

As for your *Councell* and *Clergie*, if weé bringe anye suche *ibm.* 56. pa.
suite vnto them; Weé haue no other aunswere, but that
which[?] *Pharaoh* giveth vnto the Lordes Messengers
towchinge the *State* of the *Churche* vnder his government.

It is not the force, that weé seéme to feare, that will come *ibm.* pag. 58.
vpon vs. For the *Lorde* maye destroye both yow for
denieinge, and vs for slack seékinge of his will, by
Straungers. I come vnto yow *with* it; if yow will heare
it, our case may be eased: if not, that your posteritie
maye knowe, that yow haue bene delt *with*; and that this
age may seé, that there is no great expectacion to be
looked for at your handes.

ibm. pa. 59. And if your *State* will thus stande againste his worde; the *Lorde* will suerlye overthrowe it.

ibm. pa. 59. Amonge the rest of the *Princes* vnder the *Gospell* that haue bene drawne to oppose them selves againste the *Gospell*, yow must thincke your selfe to be one. For vntill yow see this (*Madame*) yow, [*sic*] see not your selfe. And they are but *Sycophants* and *Flatterers*, whosoever tell yow otherwise. Your standinge is and hath bene by the *Gospell*. It is litle or smallie beholden vnto yow, for anye thinge that appeareth. The practise of your government sheweth, that if yow coulde haue ruled without the *Gospell*; it woulde haue bene to be feared, whether the *Gospell* shoulde be established, or not. For now that yow are established in your *Throne*, and that by the *Gospell*: yee haue suffered the *Gospell* to reache no further, then the ende of your *Scepter* limited vnto it.

pa. 59. If wee had had Q.[ueene] *Maries* dayes, I thincke that wee shoulde haue had as flourishinge a Church this daye, as ever anye. For it is well knowne, that there was then in *London* vnder the burden and els where in exile farre more flourishinge Churches; then anye are now tolerated by your auctoritie.

ibm. pa. 60. It wilbe sayde (I knowe) that I endeavour sedicion againste your Maiestie and drawe your *Subiects* vnto Sedition against yow. Vnto which sclaunders I will vouchsafe no other aunswere at this tyme; but that that *State is near ruine, wherein the truthe is accounted seditious*: And that, *Truthe wilbe verified in the overthrowe thereof*, when it shall wishe, that it had given care vnto the *Truthe*, before destruction come. If to vtter the *Truthe* be *Sedition* and *Treason*; fewe *Christians* can be but *Traytours*./

pa. 60. I would not haue it sayde, that y^t cause of God was either ashamed or afrayde to come before Q. *Elizabeth*.

Brieflie, Madame, yow may well see the foundation of p. 60.
Englande rooted vp: but this cause will yow never see
 suppress

Now whereas wee should haue your helpe both to ioyne pa. 63.
 our selves w^t y^e true Church, and to reiect y^e false and all
 y^e ordinaunces thereof; wee are in your Kingdome permitted
 to doe neither. And therefore (*Madame*) yow are not so
 muche an aduersarie vnto vs poore men, as vnto *Christe*
Iesus and y^e welth of his Kingdome.

But alas (*Madame*) suche is y^e dealinge w^t him in your pa. 64.
 State and Kingdome, as wee cannot be permitted to speake
 in his behalfe any further, then it may stande with y^e
 vpholdinge of y^e established lawes: yea, and no further.

For when anye are called for this cause before your Councell pa. 65.
 or y^e Iudges of the Lande w^t is your Lande, they must take
 this as graunted once for all; *that the vprightness of y^e^{er} cause*
will profitt them nothinge, if the Lawe of the Lande be
against the same. For your Councell and Iudges haue so
 well profited in Religion, as they will not sticke to saye,
 that they came not to Consult, whether the matter be with
 or against y^e worde, or not: But their purpose is to take
 penaltie of y^e transgressions, or supposed transgressions of
 your Lawes.

The worde of God hath sufficient autoritie to commaunde pa. 65.
 the meanest Vassall vnder heaven that, *which* the Lawes of
 all the Princes vnder heaven doe gayn-saye. The lawes of
 men ought not to stande in force, when as y^e worde of God
 doth determine againste them. It is no disobedience vnto
 Kinges and Princes to say that their Lawes are no Lawes,
 when as they are erected againste the Lordes will and
 pleasure.

Wherevpon seeinge that by the Lawe of God wee are able pa. 66.
 to prove, that wee are not permitted in your State either to

ioyne our selves w^t y^e true Church of God, as it is sett downe in the worde; or to reiect and cast of the false *Church* in all the Constitucions thereof: It followeth (*Madame*) that our complaynte againste yow and your State, is over iust.

pa. 66. Now for myne owne parte, I am so farre from desiringe or cravinge pardon at your *Maiesties* hands for my dealinge in this cause; that if I were now to goe vnto death for the same, I woulde say this, that my evill intreatie and handlinge therein wilbe called to a reckoninge in the day of Iudgment, *if your Maiestie knowinge thereof repent not for*

pa. 68. [sic.] *the same.*¹

Now then (*Madame*) it is nothinge for them to saye, that by their wisdomes y^eⁱ haue maynteyned your kingdome in peace and tranquillitie. Which is in no poynt true. For this is the Lords doeing, and not mans.

68. Your standinge then (*Madame*) beinge vpon that state which is vphelde by the treadinge vnder foote of the Lordes truth, is daungerous and lykelye to come to ruine. And I cannot but in Conscience admonishe yow thereof.

68. If wee cannot haue your favour, but that wee must omitt our dutie towards God; wee are vnworthie of it; and by Gods grace, wee meane not to purchase it so deare.

69. It is great reason, that wee shoulde be as bolde and farre bolder vnder your government in defendinge the truth, as the adversaries thereof in defacinge the same. And if wee may not make this vse of your peace-able government, namelye to buylde y^e Church of *Christe* and to overthrowe the *Anti-Christian Synagogue*; wee must goe on forward in the worke [?]; whether in trouble or peace, wee referre it to y^e Lorde.

70. But (*Madame*) yett thus muche wee must needes saye, that in all lykely-hood if the dayes of your sister Q. Marie and

¹ The words 'for the same' are not underlined in the text.

her persecution had continued vnto this daye; the Church of God in Englande had bene farre more flourishinge, then at this day it is. For then (Madame) the Church of God within this Lande and els where, beinge Straungers, enioyed the Ordinaunces of God, *whollie* as farre as then they sawe.

But since *your Maiesty* came vnto *your Crowne*, weé haue 70.
had whole *Christe Iesus* God and Man: but weé must serve him onely in harte.

And if those dayes had continuéd vnto this tyme, and those [? 70] lights risen therein [?], which by the mercies of God haue since that tyme shined in Englande: It is not to be doubted, but that the Church of Englande, had farre surpassed all the reformed Churches in the worlde.

Then (Madame) any of our bretheren durst not haue beéne 71.
seéne wⁱⁿ the Tents of Antichriste. Now they are readie to defend them to be the Lordes, and that he hath none other *Tabernacle* vpon earth, but them. Our bretheren then durst not *temporize* in y^e [?] cause of God, because the Lorde ruled himselve in his Church by his owne Lawes in good [?] measure. But now beholde, they may doe what y^eⁱ will, for any sworde that the Church hath to drawe againste them, if they conteyne them selves within your Lawes.

This peace vnder those Condictions weé cannot enioye; and 71.
therefore for any thinge that I can seé, Q. Maries dayes wilbe sett vp agayne, and weé must néeds *temporize*. The whole truthe weé must not speake; the whole truthe weé must not professe. Your State must haue a stroke above the truthe of God./

Weé cannot enioye our peace, except weé will acknowledge 72.
the Ministrye of *Datha*[n] and *Abiram* to be aboue the Ministerie of *Aron*; nay the Ministrye of *Christe Iesus*. Weé cannot enioye this peace, except weé wilbe content to

stay still in the Wildernes vnder the Ministerie of *Corah*, *Dathan*, and *Abiram*: except weé wilbe content to come to their Courtes, which they haue erected in steéde of y^e Lordes howsse, and be censured by them. For (Madame) I doubt not to affirme that which is moste true ; that yow might as lawfullie defende, and weé as lawfullie submitt our selves vnto y^e vsurped Ministerie of *Corah*, *Dathan*, and *Abiram*; as yée may to the Ministerie of *Antichris[t]* to witt; the *Hierarchie*.

72. Weé cannot buye our outwarde peace so deare. Weé must goe into *Canaan*, and not staye in the Wildernes. If yow thincke to buylde a *Temple* in the wildernes; yow are vtterlie deceaved. In Babilon weé must not staye.
72. Now (Madame) your Maiestie may consider what good the Church of God hath gotten at your handes: even outwarde peace w^t the absence of *Christe Iesus* in his Ordinaunce. Otherwise as great troubles are lykelye to come, as ever were in the dayes of your sister.
72. But weé must haue leave to refuse this peace, except weé woulde allso be ashamed to suffer affliction w^t *Christe*, rather then peace without him. Weé haue none other comforte, but the possession of his ordinaunce, to haue his societie vntill the daye of our never-endinge coniunction w^t him.
73. Seéinge the Lorde hath grawnted vs freédome and interest in all his Ordinances, weé dare not shewe ourselves vnworthie of them and eternall life, by exchaunginge them for our outwarde peace.
73. Whereas it wilbe here sayde, that your Lawes and proceédings doth not denye vs, but that weé should serve God: weé aunswere the same; and say yett, that yow tie vs to serve him vnder Condicions: that is, that weé be subiect to the *Hierarchie*, and that weé seeke for no further perfection of the service and worshippe of God, then y^e Anti christian

government will permitt, or otherwise then your State requireth. Now what els are those Condictions, but y^e manner of dealinge w^t y^e *Apostles* in their tyme by the ennemies of y^e truthe?

Yow grawnte vs to serve our God, but weé must not buylde 74. his Church; Wee must not leave the *Hierarchie*. Weé cannot serve him vpon those Condictions. And yow were as good bidd vs not serve him at all.

Your offers vnto vs (Madame) thoughe taken by manie of 74. our bretheren, are in no wise so reasonable, as *Pharaohs* were. For weé coulde be content (to redeeme our peace vnder your government) to serve our God w^t anie outwarde inconuenience. But whatsoever they were, as longe as weé must leave some thinge, that y^e Lorde commaundeth vs, vndone: Wee aunswere w^t *Moses*, that weé cannot yeilde in a hoofe [?] &c. Our God is able to deliver vs, and to give vs a gloriouse libertie. But if he doth not; knowe this (*O Queene*) that wee will not serve God after the pleasure of Man: knowe this, that weé will not submitt our selves vnto anye parte of the kingdome of *Antichriste*.

But what faithfullnes can there be in those Councillors or 75. any State men, that will Councell yow to deale hardlye w^t your *Subiects*, rather then to grawnt them the libertie of the Gospell? And yow (Madame) become now a pleader for anye parte of Anti-christianitye vnto bloude?

In denieinge vs this peace (Madame) yo^w are not onelie 76. iniuriouse vnto y^e Lorde and vs his pore servants, and your Subiects: but yo^w are ever contrarie vnto your selfe.

If your *Maiestie* would knowe what it is, that weé desire in 78. this poynte: Weé aunswere, that yow should alter y^e Lawes, and make it lawfull for all your Subiects; nay compell them to ioyne them selves vnto y^e true Church; and not to suffer the Ministerie of *Corah* to be heard of.

80. If yo^w will demaunde (Madame) what wilbe the issue of y^{is} Cause : suerlie, weé doubte not, but yo^w must yeélde. Yo^w cannot be perswaded (it may be) to yeélde. And yeélde weé dare not. Your State yo^w meane to keepe in peace. It may be. Therefore this must be the ende thereof. If yo^w strike, weé must beare.
81. Our Prelates and your State-men will not sticke to wishe our bloude to fall vpon them. They may doe so over fast.
81. There are divers thinges to be taken héede of herein. When a Kingdome runneth head-long and will not be reformed ; then y^e Lorde is readie in Iudgment to overthrowe the same./
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III

PENRY'S DEFENCE AGAINST HIS FIRST INDICTMENT¹

Although it were altogether most reasonable, that these my more² publick, deliberate, & digested writings should bynde vp & seale that wounde, which my most secret, vnballanced, & confused observations are iudged to make, yet I crave not so much as that æquitie in this case, wherein my allegiance & dutyfulnes towards my most gracious Prince is called into question. Only this I desire, that what in the very conscience of hir right excellent *Maiestie*, & of all those both honorable & Worshipfull vnto whose handes I earnestly entreate. . . .

Whatsoever then in those my private intercepted wrytinges beeing (for the most part) the secret & confused observations of myne owne studye [*sic*] toucheth hir excellent *Maiestie* the same I protest was set downe by mee, eyther as obiected in deed by others, wherof I thought to have considered further (if at all) for hir *Maiesties* cleering, when occasion should bee offred, or as beeing the groundes of a breife treatise, which with myne owne handes (if ever the Lord should grant meanes & oportunitie therof) I purposed to have delyvered vnto hir Highnes for the manefesting of my faith & allegiance toward the Lord & hir *Maiestie*.

¹ As contained in the complete text of his *Apology* (Lansdowne MS. 109, fol. 35-6 in the British Museum). The MS. is calendared as 'Iohn Penry his Protestation before his Death', and should be compared with Add. MS. c. 303 (fol. 204-7), in the Bodleian Library.

² The Bodleian MS. reads 'poore', and there are a good many other slight variations. See my *Early English Dissenters*, vol. ii, pp. 87-93.

Wherin, as in a private advertisement for the dischargd of my conscience, I ment to have offred vnto hir consideracion, whether many thinges (besides hir knowledg) were not doon vnder hir government to the hinderance of the free course of y^e gospell for the which shee was blamed in forreigne Nations, and it may bee would bee further chardged emongst posteritie. These my wrytinges ([sic] also are not only most vnperfect, but even so private as no creature vnder heaven was privie vnto them (my self excepted) vntill now they were ceazed vpon. And therfore it wilbee the great falt of those into whose handes they are come, & not any vndutyfullnes of myne, if ever they bee made more publick then they are. Myne I dare not acknowledg them to bee for a thowsand worldes; because I should therby most fearefully sinne against the Lord & myne owne conscience, in bearing false wisse against my self. I never conceyved that any man would have made any thing of them, especially against my self, by whomsoever they had been intercepted; otherwise it may bee well thought that I would never have reserved them, beeing to my so small vse, as all men will iudge them to bee.

Now for the cleering of my dutifullnes toward hir Maiestie, & of the purpose I had in going to referr my self into hir handes, it shalbee found in those my intercepted wrytinges, how earnestly I haue entreated the Lord, & how often (especially towardes the tyme of my comming out of Scotland) to grant mee favor in hir sight, & to inclyne hir heart vnto my petition. Which was only that it would please hir so to conceiue of mee, as I was in heart towardes hir; and to permytt mee to employ my small tallent emongst my poore contrymen in Walles for their calling vnto the knowledg of Christ. Their ignorance alas I know to bee over lamentable. It will also appeere in my said wrytinges, that word comming into Scotland of hir Maiesties departure out of this lyfe, I humbled my self when I heard it in fasting & prayer before the Lord; entreating him even with many teares, that the report might prooue vntrue, as I thank his Maiestie yt did. Shewing what a great stroke in my

conscience the taking of hir out of this lyfe would bee vnto the whole Church of God this day; especially vnto hir kingdome, my deare & native countrey. How heaue the newes was vnto mee in particular, those my wrytinges doo partly testife, my conscience knoweth, & the Lord God I am sure will reueale vnto my vtter cleering in that great day. This was doon long since I had occasion to set downe all the thinges wherwith I am likely to bee heavily chardged. No creature was prvie vnto this acting of myne, vntill my wrytinges were now intercepted. Neyther did I ever purpose to have revealed the same. Now that my secret, confused, & vnadvised observations are brought against mee, even to the spilling of my blood, I humbly crave that these my papers also may bee looked vpon & brought to light, as well as the other wherby myne Adversaries thinke to impeach my allegiance *which* I thank God neyther man nor Angell shall ever bee able to effect. This was doon in Ianuary or February was twelve month 1592: yt wilbee easily found out in these papers of myne, *which* conteyne a Diarie or dayly observation of myne owne sinnes & corruptions, and of the speciall requestes *which* I made vnto the Lord. Beeing thinges of that secrecie as I know well all the world will think it shamefull that they should bee layde to my chardge; yet I thanke the Lord I refuse not to bee tryed by them.

Touching the particular thinges that concerne hir *Maiestie* in these my papers, I had greate occasion in the tyme of my beeing & contynuaunce in Scotland, to take notice of them for the purpose afore mentioned. And surely the most of them are expressed in the very or the lyke wordes, wherin they were obiected vnto mee, even by those whom I iudge to wish well vnto hir *Maiestie* & government. For the gentlemen, Ministers, and people of Scotland, who are not acquainted with the State of this Land, think, by reason of the Prelacy heere maynteyned, the yoke whereof they felt overgreevous within these few yeeres, by reason of the multitude of dumb Ministers that are tollerated & dayly made in this Land, and because they

heare that Preachers are suspended, silenced, emprisoned, deprived &c. they have thought (I say) & have spoken yt vnto mee, that litle or no truth is permitted to bee taught in England; that what is taught is measured by the length of hir *Maiesties* Scepter &c. That the common welth in deed is much, but the gospell litle beeholding to hir &c. Whervnto I answered, that the gospell is in my conscience as much beholding vnto hir *Maiestie*, as vnto all the Princes in Europe besides. They have replyed that Princes dissemble then: For none of them that apparantly defend the gospell, doo suffer the Ministers and professors therof vnder their government, to bee silenced & emprisoned for their conscience sakes, & for mainteyning that truth which reformed Churches doo generally embrace. Whervnto as I haue allwayes sufficiently answered I thank the Lord on hir *Maiesties* behalf, so have I set downe confusedly the tenor of the speeches in these my wrytinges, that I might vpon better leysure consider of them, & make some vse for the discharge of my conscience, as before I have set downe.

Heerof also I have had speciall occasion vpon some private conference had with the ministers of that Contrey, wherein I have otherwise informed them of the state of thinges heere, then they were generally certified by their Merchantes, or such other as travelled thither: in such sort as beeing invited with som of them, by a godly gentleman of that Contrey, they tolde him, that it was not without great reason, seeing hee had so often speech with mee, that hee beeing in such a Noblemans great Chamber where hir *Maiesties* picture was set belowe the pictures of diverse other Kinges & Princes, . . .

These & such lyke (I say) have been the occasions of what soever in my private wrytinges seemeth to make most against mee. And I could name English men, who if they will speake indifferent, must testifie that they have heard no lesse objected by others, & no lesse answered by mee, then I heere set downe, as convenience of tyme & place hath been ministered. Yea when myne owne case or the

case of any other (who professing the gospell) were iudged to bee hardly delt with vnder hir *Maiesties* government, hath been alledged, I have answered *Vt parentum, sic principis ac patriæ saveritatem* [*sic*] *patiendō ac ferendō leniendam*¹ esse. The which saying (as also some others) of Mark Tullie vnto Lentilus [*sic*], as I remember, shalbee found noted in those my wrytinges, to this very purpose; wherby it may appeere, that what I now wryte hath some coherence in yt, though those my observations bee most confused, such as out of the which no man (my self excepted) can possibly gather any purpose.

I have not looked vpon the most of those my wrytinges these 14 or 15 Moneths. Wherby considering how they are set downe, I might also well forget the purpose for the which they were noted, yet I will not desire to bee accompted as I thank God I am, that is a loyall subiect vnto my Prince, if I shew not any speech conteyned in them, touching hir *Maiestie*, to have risen vpon the former occasions, & to have been noted for the purposes I spake of: Namely eyther the advertising, or the further cleering of hir *Maiestie*, as the Lord would offer mee occasion. /

And I doo heere in this last wryting which is lykely to proceed from mee, for ought I know, protest before all the world, that . . . the respect which I have & alwayes had, . . . should & would keepe mee from all vndutifull attemptes against hir Highnes. Nay I thank God I have all reasons that doo & allwayes have sturred mee vpp vnto all dutyfullnes towardes my Prince; but never anything that mooved mee, so much as in a secret wandring thought vnto any disloyall cogitacion of hir *Maiestie*. /

Lastly those my intercepted wrytinges which are now brought against mee, conteyning in them not only a particular record of my dayly corruptions, for & against the which I craved mercy & strength at the Lordes handes; but also of all the speciall sinnes wherof my conscience could accuse

¹ The Bodleian MS. also reads 'leniendam', not 'semindam' as appears by mistake in my *Early English Dissenters*, vol. ii, p. 91.

mee in all my lyfe, even vnto the last day of my comming out of Scotland; yt will easily appeere whether my soule was ever pryvie vnto any offence commytted by mee against hir Maiestie, save only this wherof I there complayne: Namely that I was not so carefull in praying for hir preservation & welfare, as I desired, & laboured to have been. And yet I thank the Lord I remember not, that that day hath passed over my head since vnder hir government I first came vnto the knowledge of the truth, wherin I have not commended hir estate vnto his Maiestie.

I deale in those my most secret papers without guyle, as in his sight whom I knew to bee the revealer of secretes, and at whose handes I craved the healing of my brused conscience, . . . But in this poynt of my loyalty towardes my Prince I feare not I thanke the Lord the adverse testimony of myne owne conscience, much lesse of any other Creature. / Well I may bee indighted, arreigned, condemned, & end the dayes of my wearisome pilgrimage, as a felone, yea or traytor against my naturall Sovereigne: But I thank my God heaven & earth shall not bee able to convict mee therof. And my attainture, whensoever yt shalbee for this cause, wilbee more infamous, then was the owners of the Crowne in Cheape vnder King Richard the third. (whose government I doo in no wise compare with hir Maiesties peaceable reigne) for that man was rewarded evill for doing no hurt, and I am lykely to bee recompensed evill for good. Though I am assured that if hir Maiestie (*which* I humbly & earnestly desire & entreat) may vnderstand the vprightnes of my cause in any sort, that one hayre of my head shall not perish. And because my supposed offence is only doon against hir Maiestie, I referr my self wholly vnto hir handes & determination (hir Highnes having considered my cause as heere I have set downe the same) without any further tryall. If shee adiudge mee to death, or to the most intollerable servitude that can bee invented, for the whole terme of this my short stinted lyfe; I offer heere vnder my hand to vndergoe that penalty, without any shew of vnwillingnes as neere as I can.

And I thank God that whensoever I end my dayes, as I looke not to lyve this weeke to an end, myne innocency shall benefit mee so much, as I shall dye Queen Elizabeths most faithfull Subiect, even in the conscience of my very Adversaries themselves, if they wilbee the beholders therof; and by my death convince them before all the world that I have lyved so too. And my God I trust will one day cause my Innocency to shyne as the noone day before my gracious Prince. /

I am a poore young man borne & bredd in the mountaynes of Walles: . . .¹

Subscribed with that heart, & that hand *which* never devised or wrote any thinge to the discredit or defamation of my Sovereigne Queen Elizabeth (I take it of my death, as I hope to have a lyfe after this) by mee. . .

John Penry.

John Penry²

¹ This touching part of the document is so familiar that it is here omitted.

² Penry has signed his name in two different styles of writing.

IV

PENRY'S FINAL REMARKS ON THE DAY BEFORE HIS EXECUTION

I do confess then & your Lordship lay it not vnto my charge, that I betrayed myne owne innocency at the barr, because I did not lay open the clearnes of my case, as in lawe it is well knowen [?] to bee. Lett mee speak without prejudice vnto any. I will not say much vnto your Lordship this way. Only this, I should have beene indighted of those thinges within one yeer after I writ them.¹ I should

¹ Dr. Holdsworth points out, however, that there is nothing in the 23rd of Elizabeth c. 2. to limit prosecution for *printing, writing, or publishing* to one year, though there is in section 8 for *speaking or reporting*. Unfortunately neither of these latter was Penry's offence. That he was thinking of this section is shown in article 12 of another paper of his where he says he 'should have been indicted within one year, otherwise the statute [the 23rd of Elizabeth] itself (though he had been within the compass of the same) doth clear him in express words.' (J. Waddington's *John Penry the Pilgrim Martyr, 1559-1593*, 1854, 12^o, pp. 181-2.) But Penry was clearly mistaken. He had misunderstood that statute, and not the judge and their 'Lordshipes their present'. Section 8 reads:

[From margin: 'VIII. Limitation of Prosecutions for Words; One Month, &c.']

'PROVIDED alwayes and be yt enacted by the authoritie aforesaid, That no manner of person or persons shalbe molested or ympeached, for any of the Offences concerning speaking or reporting as ys aforesaid, unles he or they be thereof accused within one moneth next after suche Wordes so spoken or reported . . . And unles suche Offendor also be indicted within one yeare next after his or their said Offence so supposed to bee committed or done.' (*The Statutes of the Realm . . . From Original Records and Authentic Manuscripts*, vol. iv, 1819, p. 660.)

This section makes it clear why Penry was so careful to say, in his *Apology*, that his words against the Queen were really those of other

have been convinced [?] to have written them with a malicious intent,¹ to diffame hir majestie, or to stirr insurrection among hir subjectes from which purposes, how farr I have been allwayes, I refer it vnto the voyce of the whole world, even vnto the consciences of aduerseryes them selves yf I haue any²

That I spak not at the barr what in law might have cleared my case, it was partly in that the Iury wear sent away befor I cold have tyme so to doe,³ but especially in that I was content in this case, rather to comitt myne innocency vnto him that judgeth righteously, & to referr my self vnto hir majesties handes, then any wyse to contend with your Lordshipes their present, whome I saw to bee playnly overseen in the mysvnderstanding of that statute.⁴

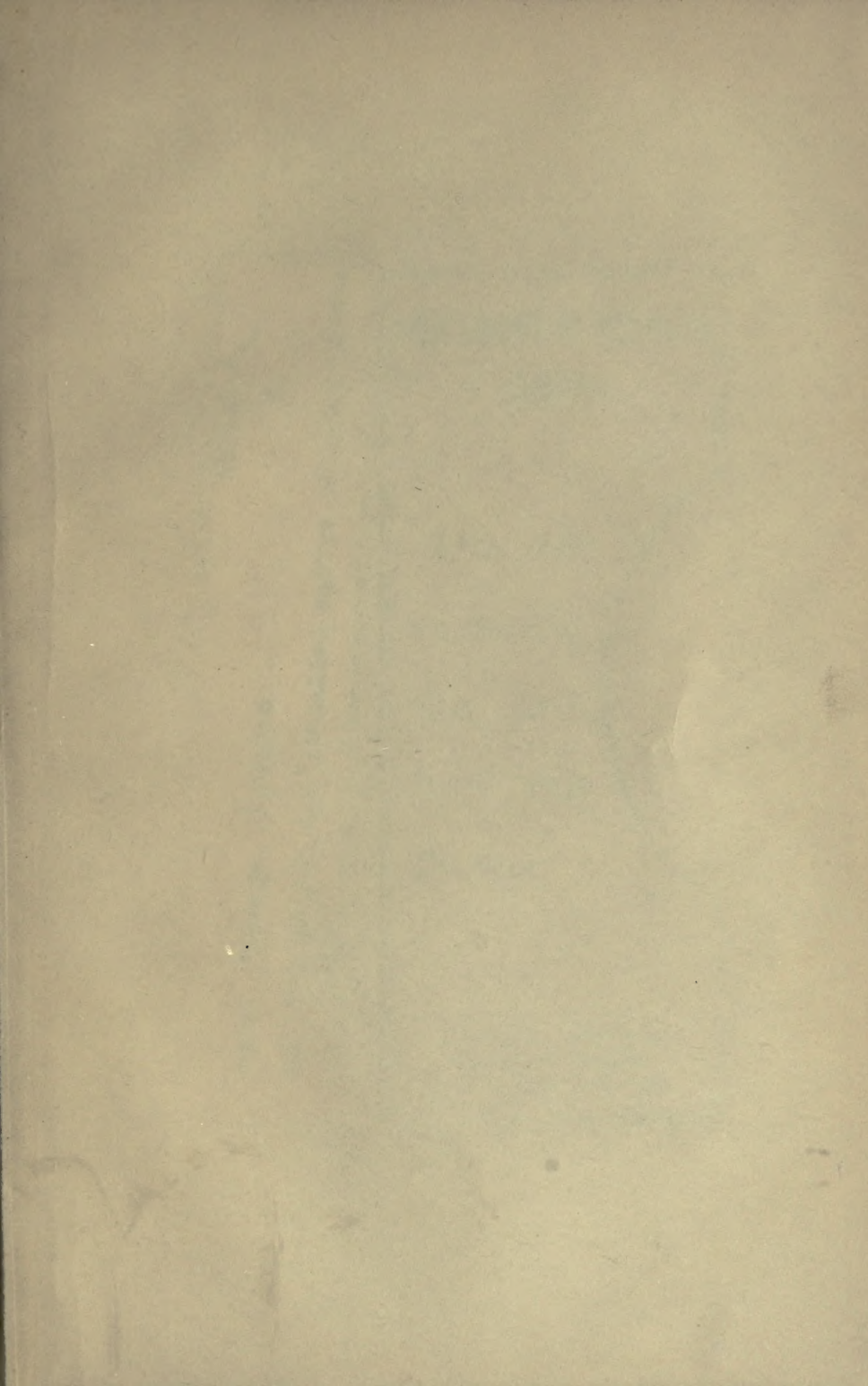
people, for then he would only have *reported* their sayings. This statement, if perfectly exact, would then have lawfully brought his case under this section, and would have made his condemnation more difficult, if indeed not legally impossible.

¹ Dr. Holdsworth says on this point: 'The judge would have determined the malicious intent from the character of the writing. The jury in finding him guilty found that that intent existed. I do not think that if the words were obviously seditious, the judge would in any case have allowed the accused to say there was no such intent.'

² A statement made later in this part of the letter shows that Penry had been convicted on the 23rd of Elizabeth,—a final argument in favour of Dr. Holdsworth's conclusion.

³ However, it should be borne in mind that after the verdict Penry was asked whether he had anything to say for himself. He should then have spoken, but the report distinctly states that he said nothing more than he had said before.

⁴ Cited from Penry's Letter of May 28, 1593, to Lord Burghley. For the whole document in its original form, see my *Early English Dissenters*, vol. ii, pp. 93-6.



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